

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA

v.

No. 07-4059 (L)

PAULETTE MARTIN, et al.

\* \* \* \* \*

**MOTION TO EXTEND TIME FOR BRIEFING**

Comes now Appellant herein, Paulette Martin, by and through her counsel, Michael D. Montemarano, Esq., and Michael D. Montemarano, P.A., as appointed counsel pursuant to the CJA, and as lead appellate counsel for the five other Appellants herein, and does move for the extension of the time for the briefing of this matter, and in support thereof does state:

1. The Joint Brief of Appellants is due on October 12, 2010, per the current briefing order.
2. After numerous fits and starts since June, 2010, lead appellate counsel (undersigned) now has received (within the past ten business days) materials for the Joint Brief from all five other counsel for Appellants, and is assembling the JA and Joint Brief. That being said, lead counsel has other, pre-existing, professional responsibilities which call upon his time, and therefore has not been able to expend the time required to complete the Joint Brief.
3. Conditioned upon this recent provision of materials, the JA designation is not yet complete. Accordingly, Appellants contemporaneously herewith have moved to be permitted to submit a deferred appendix, pursuant to Local Rule 30 ( c ), as counsel for Appellee, who only recently has entered the case, cannot reasonably be expected to assimilate what certainly will be an

oversized brief and JA, encompassing at least 15 issues within anything but an extended period of time.

4. Counsel for Appellant therefore requests that the time for briefing be extended, and the due date of the Joint Brief of Appellants be rescheduled to no earlier than October 29, 2010.

5. Counsel for Appellant is authorized to state that counsel for Appellee consents to the grant of the requested relief.

Respectfully submitted,

October 14, 2010

/s/  
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MICHAEL D. MONTEMARANO

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Counsel of Record/CJA Counsel  
For Appellant

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on or before this 14<sup>th</sup> day of October, 2010, a copy of the foregoing *Motion to Extend Time for Briefing* was filed via CM-ECF, and served via direct email, on Daniel Greenberg, Esq., US Department of Justice, Criminal Appellate Section, 1264 Main Building, 950 Pennsylvania Avenue, NW, Washington, DC 20530.

/s/  
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MICHAEL D. MONTEMARANO